

EXHIBIT A

EXHIBIT A

1 ANNA Y. PARK
2 U.S. Equal Employment Opportunity Commission
3 Los Angeles District Office
4 255 East Temple Street, 4th Floor
5 Los Angeles, CA 90012
6 Tel: (213) 894-1083
7 Fax: (213) 894-1031
8 email: lado.legal@eeoc.gov

9 Attorneys for Plaintiff

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS**

12 U.S. EQUAL EMPLOYMENT
13 OPPORTUNITY COMMISSION,

14 Plaintiff,

15 v.

16 YUN'S CORPORATION, TOWN,
17 INCORPORATED d/b/a
18 TOWNHOUSE, and DOES 1-10,
19 Inclusive,

20 Defendants.

Civil Action No. CV 07-0031

**FIRST AMENDED COMPLAINT
AND JURY TRIAL DEMAND**

Honorable Alex R. Munson

NATURE OF THE ACTION

21 This is an action under Title VII of the Civil Rights Act of 1964, as amended
22 ("Title VII"), the Pregnancy Discrimination Act of 1978, 42 U.S.C. § 2000e(k) and Title
23 I of the Civil Rights Act of 1991 to correct intentional and unlawful employment
24 practices on the basis of sex (pregnancy), and to provide appropriate relief to Suzette
25 Divina-Cruz ("Charging Party Cruz") and a class of similarly situated women who were
26 discriminated against due to their sex (pregnancy). The Commission alleges that
27 Charging Party Cruz and a class of similarly situated women were terminated on the
28 basis of their sex (pregnancy).

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331,

1 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section
2 706(f)(1) and (3) and 707 of Title VII of the Civil Rights Act of 1964, as amended, 42
3 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII"), the Pregnancy Discrimination Act of 1978,
4 42 U.S.C. § 2000e(k), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §
5 1981a.

6 2. The employment practices alleged to be unlawful were committed in Saipan,
7 Northern Mariana Islands and within the jurisdiction of this Court.

8 **PARTIES**

9 3. Plaintiff, the U.S. Equal Employment Opportunity Commission (the
10 "Commission"), is the agency of the United States of America charged with the
11 administration, interpretation and enforcement of Title VII, and the Pregnancy
12 Discrimination Act of 1978, 42 U.S.C. § 2000e(k).

13 4. At all relevant times, Defendant Yun's Corporation, a corporation registered
14 to do business in the Commonwealth of the Northern Mariana Islands, has continuously
15 been doing business on the island of Saipan as Payless Supermarket and has
16 continuously had at least 15 employees.

17 5. At all relevant times, Defendant Town, Incorporated, a corporation
18 registered to do business in the Commonwealth of the Northern Mariana Islands, has
19 continuously been doing business on the island of Saipan as Townhouse Department
20 Store, and has continuously had at least 15 employees.

21 6. Plaintiff is ignorant of the true names and capacities of each "Defendant,"
22 sued as DOES 1 through 10, inclusively, and therefore Plaintiff sues these Defendants by
23 such fictitious names. Plaintiff reserves the right to amend the complaint to name each
24 DOE "Defendant" individually or corporately as they become known. Plaintiff alleges
25 that each "Defendant" named as DOE was in some manner responsible for these acts and
26 omissions alleged and Plaintiff will amend the complaint to allege such responsibility
27 when the same shall have been ascertained by Plaintiff.

28 7. It is further alleged on information and belief that the named Defendants in

1 the complaint are alter egos, joint employers, and/or integrated enterprises of each other.

2 8. All of the acts and failures to act alleged herein were duly performed by and
3 attributable to Defendants, each acting as a successor, agent, employee or under the
4 direction and control of the others, except as specifically alleged otherwise. Said acts
5 and failures to act were within the scope of such agency and/or employment, and each
6 Defendant participated in, approved and/or ratified the unlawful acts and omissions by
7 the other Defendant complained of herein. Whenever and wherever reference to any act
8 in this Complaint to any act by a Defendant, such allegations and reference shall also be
9 deemed to mean the acts and failures to act of each Defendant, acting individually,
10 jointly and/or severally.

11 9. At all relevant times, Defendants have continuously been employers
12 engaged in an industry affecting commerce within the meaning of Sections 701(b), (g)
13 and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

14 **STATEMENT OF CLAIMS**

15 10. More than thirty days prior to the institution of this lawsuit, Charging Party
16 Cruz filed a charge with the Commission alleging violations of Title VII by
17 Defendant Yun's Corporation. All conditions precedent to the institution of this lawsuit
18 have been fulfilled.

19 11. Since at least March 2006, Defendants have engaged in unlawful
20 employment practices and a pattern of such practices at their stores, including their
21 Payless Supermarket and Townhouse stores, in violation of Section 703(a) and Section
22 707 of Title VII, 42 U.S.C. § 2000e-2(a) by failing to renew the employment contracts of
23 Charging Party Cruz and a class of similarly situated women because they became
24 pregnant. Charging Party Cruz was hired to work at Payless but for most of her
25 employment with Defendants she was assigned to work at Townhouse.

26 12. The effect of the practice complained of above has been to deprive Charging
27 Party Cruz and other similarly situated individuals of equal employment opportunities
28 and otherwise adversely affect their status as an employee, because of their sex

1 (pregnancy).

2 13. The unlawful employment practices complained of above were intentional.

3 14. The unlawful employment practices complained of above were done with
4 malice or with reckless indifference to the federally protected rights of Charging Party
5 Cruz and other similarly situated individuals who were discriminated against because
6 they became pregnant.

7 **PRAYER FOR RELIEF**

8 Wherefore, the Commission respectfully requests that this Court:

9 A. Grant a permanent injunction enjoining Defendants, their officers,
10 successors, assigns, and all persons in active concert or participation with them, from
11 engaging in discrimination on the basis of pregnancy and any other employment practice
12 which discriminates on the basis of sex.

13 B. Order Defendants to institute and carry out policies, practices, and
14 programs which provide equal employment opportunities for women, and which
15 eradicate the effects of its past and present unlawful employment practices.

16 C. Order Defendants to make whole Charging Party Cruz and other similarly
17 situated individuals who were discriminated against on the basis of pregnancy, by
18 providing appropriate backpay with prejudgment interest, and front pay, in amounts to be
19 determined at trial, and other affirmative relief necessary to eradicate the effects of their
20 unlawful employment practices.

21 D. Order Defendants to make whole Charging Party Cruz and other similarly
22 situated individuals who were discriminated against on the basis of pregnancy, by
23 providing compensation for past and future pecuniary losses resulting from the unlawful
24 employment practices described above, in amounts to be determined at trial.

25 E. Order Defendants to make whole Charging Party Cruz and other similarly
26 situated individuals who were discriminated against on the basis of pregnancy, by
27 providing compensation for past and future nonpecuniary losses resulting from the
28 unlawful practices complained of above, including emotional pain and suffering,

1 inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at
2 trial.

3 F. Order Defendants to pay Charging Party Cruz and other similarly situated
4 individuals punitive damages for their malicious and reckless conduct described above,
5 in amounts to be determined at trial.

6 G. Grant such further relief as the Court deems necessary and proper in the
7 public interest.

8 H. Award the Commission its costs of this action.

9 JURY TRIAL DEMAND

10 The Commission requests a jury trial on all questions of fact raised by its
11 complaint.

12 RONALD S. COOPER
13 General Counsel

14 JAMES LEE
15 Deputy General Counsel

16 GWENDOLYN YOUNG REAMS
17 Associate General Counsel

18 U.S. Equal Employment Opportunity
19 Commission
20 1801 L Street, N.W.
21 Washington, DC 20507

22 BY:

23 Date: June 18, 2008

24 /s/
25 ANNA Y. PARK
26 Regional Attorney
27
28